

Customer No.: 07278

Docket No.: 06670/000J997-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul JOLLEZ et al.

Serial No.: 10/008,454

Examiner: M. Halpern

Filed: November 2, 2001

Art Unit: 1731

For: NEW PROCESS OF PRODUCING LOW DP MICROCRYSTALLINE
CELLULOSE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement (IDS) is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed before the mailing date of a first office action after filing a Request for Continued Examination.

In accordance with 37 C.F.R. 1.98, this IDS includes information submitted for the Examiner's consideration, as follows:

The present application claims priority under 35 U.S.C. §119 to U.S. Provisional Patent Application No. 60/245,148 filed November 3, 2000. After filing this provisional application and before filing the present application, Kemestrie, Inc. (the assignee

of the present application), entered into a business partnership with Penwest Pharmaceutical Co. (“Penwest”), the assignee of pending U.S. Application Serial No. 10/010,907 (“the ‘907 application”), filed November 2, 2001 and published as U.S. Patent Publication No. 2003/0089465.

In the context of this business partnership, Penwest was expected to operate a factory that was to be used for the production of microcrystalline cellulose prepared according to the process claimed in the present application. The operation of the factory constituted the entirety of Penwest’s expected role. Penwest was not expected to add, and did not add, any inventive contribution to the process claimed in the present application. Rather, the claimed process for preparing microcrystalline cellulose was conceived and developed solely by Kemestrie scientists.

The present application properly names only three inventors: Paul Jollez, Esteban Chornet, and Sylvain Cloutier. The ‘907 application names only two inventors: David Schaible and Ivan Charles Brinkman. During their business partnership, Penwest requested and received from Kemestrie a confidential copy of the present application before it was filed. Based on the present applicants’ information and belief, Penwest filed the ‘907 application upon learning that the present application was to be filed without naming Schaible and Brinkman as co-inventors, even though these two people made no inventive contribution to the presently claimed subject matter.

Based upon the information available to counsel, only Jollez, Chornet, and Cloutier contributed to the subject matter of the claims in the present application.


In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is

considered to be, material to patentability as defined in 37 C.F.R. 1.56 (b), or that any cited document listed or attached is (or constitutes) prior art.

Early and favorable consideration is earnestly solicited.

Dated: March 8, 2005

Respectfully submitted,

By 

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